IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11614 of 2005

Between:

B.Yerramala s/o Jadala Maddilety,

Aged 30 years,Fair Price Shop Dealer

(U/s) Udumulapadu village, Dhone,

Mandal, Kurnool District.

..... PETITIONER

AND

1. The District Collector, Kurnool District.
2. The Revenue Divisional Officer, Kurnool District

3. The Mandal Revenue Officer, Dhone Mandal, Kurnool District

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased issue an appropriate writ , order on direction, preferably one in the nature of writ of mandamus declaring the action of the respondent No.1 in not passing any orders on the stay petition filed along with the appeal dated 16-5-2005 and thereby attempting to appoint another dealer in the place of the petitioner during the pendency of the appeal as illegal, arbitrary, unjust and contrary to law, and ultra vires the provisions of the A.P. State Public Distribution Control Orders,2001, besides violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to permit the petitioner to distribute the commodities to the card holders during the pendency of the appeal.

Counsel for the Petitioner:MR.J.JANAKI RAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

This writ petition is filed to declare the action of the respondent No.1 in not passing any orders on the stay petition filed along with the appeal dated 16-5-2005 and the action of the 2nd respondent to appoint another dealer in the place of the petitioner during the pendency of the appeal as illegal, arbitrary.

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing on behalf of the Respondents.

Admittedly, an appeal is pending against the impugned order before the 1st respondent and it is for the 1st respondent to take appropriate decision in accordance with law. Therefore, without entering into the merits of the case, it is suffice to direct the 1st respondent to dispose of the appeal pending before him.

Accordingly, the writ petition is disposed of directing the 1st respondent to dispose of the appeal pending before him within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

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K.C.Bhanu, J.

24th May, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Kurnool District.
2. The Revenue Divisional Officer, Kurnool District

3. The Mandal Revenue Officer, Dhone Mandal, Kurnool District

4. 2 CCs G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

THE HON'BLE MR JUSTICE K.C. BHANU

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24th May, 2005.